

Remarks

Claim 3 has been amended to incorporate all limitations of the base claim. Claim 4 is dependent on claim 3. Only claims 1 and 3 are in independent form.

On page 2, the Office noted that EP 0557743 ("A" reference- see International Search Report) was not considered since no copy was part of the U.S. national stage file. Applicants have submitted this reference on May 6, 2007 in a supplemental IDS. Consideration is respectfully requested.

On page 5, the Office noted that if claims 3 and 4 are rewritten in independent form to include all the limitations of the base claim and any intervening claims, these claims would be allowable.

Applicants would like to thank the Examiner for this acknowledgement of allowability of claims 3 and 4. Applicants have rewritten claim 3 to include all the limitations of the base claim. Claim 4 is dependent from this amended claim 3 and thus also includes all the limitations now explicitly referenced in claim 3. Thus, claims 3 and 4 should be in condition for allowance.

On pages 2 to 4, the Office rejected claims 1, 2, 5 to 9, 11 and 12 under 35 USC §102(a) as being anticipated by U.S. Patent No. 6,713,743 to Kim et al. (hereinafter "Kim").

On pages 4 to 5, the Office rejected claim 10 as obvious over Kim as applied above, acknowledging that Kim does not disclose that the resonator has a loss of less than 20% per round trip.

This application is the national stage of International application

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PCT/IB2002/003253, filed August 14, 2002, designating the U.S. and which was published in English on February 28, 2004. A proper reference to this international application was made in the submission of February 14, 2005 and was acknowledged in the filing receipt that issued on August 4, 2005.

Thus, the U.S. filing date of the present application is **August 14, 2002**. See 35 USC §363 and MPEP §1893.02(b).

Kim was filed in the U.S. on June 9, 2003 and was published on December 11, 2003. Kim also claims priority to Korean application 2002-32558, filed June 11, 2002. There is no indication that this Korean application was published prior to August 14, 2002.

35 USC §102(a) provides that a person shall be entitled to a patent unless:

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent (emphasis added).

Thus, Kim does not appear to constitute prior art under 35 USC §102(a).

Since 35 USC §102(e) does not allow for consideration of foreign priority dates of a references, Kim also does not appear to qualify as prior art under 35 USC §102(e) (see MPEP §2136.03 and *In re Hilmer*, 359 F.2d 859, 149 USPQ 480 (CCPA 1966) cited therein).

Accordingly, Kim does not appear to constitute prior art under 35 USC §102(a) and 102(e) (discussed above) or 35 USC §102(b) and thus also does not constitute prior art under 103(a).

Applicants have shown above that all claims are patentable over Kim. Applicants believe that the application is therefore in condition for allowance.

The undersigned respectfully requests that if there should be any outstanding issues, that the Office kindly contact her at (301) 657-1282 to discuss those issues.

No fees are believed to be due. However, the Office is authorized to charge or credit the undersign's deposit account 50-3135 as required.

Respectfully submitted,

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